

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
THURSDAY, OCTOBER 6, 2005, 1:00 P.M.**

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**CALL TO ORDER**

Ellen Gennrich, Vice Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:	Walter Baade	Pat Haukohl	Walter Kolb (arrived at 1:05 p.m.)
	Ellen Gennrich	Betty Willert	Gary Goodchild

Commission

Members Absent: Mareth Kipp

Staff

Members Present: Richard L. Mace, Planning and Zoning Manager  
Kathy Moore, Senior Planner  
Kathy Brady, Secretary Supervisor

Guests Present:	Susan Knoelke	Jean Brown Ama	Mark Weiss
	Attorney Don Murn	Art Kitchen	

**CORRESPONDENCE:** Letter submitted from Barb Pinter regarding Robinson Conditional Use request.

**MEETING APPROVAL** None.

**MINUTES**

- *Mrs. Willert moved, seconded by Mr. Baade and carried unanimously, for approval of the September 1, 2005, Minutes, as corrected.*

Mr. Kolb arrived at 1:05 p.m.

**PUBLIC COMMENT**

Vice Chairperson Gennrich asked if anyone from the audience wished to address the Commission?

Mrs. Jean Brown Ama, stated she was unable to stay for the meeting but wished to comment on the David Robinson Conditional Use request for a ten lot single-family residential development. She indicated she was against placing any type of subdivision in areas, which are zoned for Agricultural Preservation and noted the Robinson property is surrounded on all sides by land that is zoned for Agricultural Preservation and is also actively farmed. She said that other neighbor's also object to the subdivision due to road safety concerns (no safe access), that the area is important for groundwater recharge resources and the development is not necessary for the Town of Oconomowoc's growth.

There being no further comment, Vice Chairperson Gennrich moved to the next item on the agenda.

**SCHEDULED MATTER**

• **1:15 p.m. (Randy and Susan Knoelke) Town of Mukwonago, Section 34**

Mr. Mace presented the "Staff Memorandum" dated October 6, 2005, and made a part of these Minutes. He pointed out the location of the property at W300 S10317 Lakeside Drive, in the Town of Mukwonago on the aerial photograph and stated the Planning and Zoning Division Staff is requesting the Commission concur with the As-Built Plan dated August 15, 2005, in order for the petitioner to obtain an Occupancy Permit on the subject residence.

Ms. Moore, Senior Planner, indicated that a permit was issued two years ago for a residence with a raised basement due to groundwater conditions. Because the house and garage were also raised and the driveway filled in, it resulted in additional impervious surfaces and surface water runoff problems to the neighbor's property. The Town of Mukwonago has been working with the property owner and the County to resolve the issue. The petitioner hired an engineer to design a drainage system whereby all of the downspouts on the residence are on a piped system and the drainage goes to an inlet in the front yard and then is piped under the Town road through a 12" culvert onto the petitioner's other lot across the street to alleviate the neighbors runoff problems. The petitioner's have paid for the drainage system. Part of the Permissive Use Agreement required the Town Board and the Waukesha County Zoning Agency to approve the As-Built Plans. The As-Built Plans were submitted on August 15, 2005, and approved by the Town Engineer and the Land Resources Division. A Deed Restriction will be placed on the property and the petitioner's or any future owner must maintain the drainage system.

*After discussion, Mrs. Haukohl moved, seconded by Mr. Baade and carried unanimously for the Commission to concur with the As-Built Plan submitted by the petitioner on August 15, 2005, resulting in the petitioner being able to obtain an Occupancy Permit for the subject residence. The approval of this request, will allow the petitioner a reasonable use of his land and promotes and meets the intent and purposes of all County Ordinances.*

• **CZ-1583 (Thomas Williams) Town of Genesee, Section 27 (R-2 Residential District to the B-2 Local Business District)**

Mr. Mace presented the "Staff Report and Recommendation" dated October 6, 2005, and made a part of these Minutes. He pointed out the location of the property, on the west side of S.T.H. 83, approximately 200 ft. south of Old Village Road in the Town of Genesee on the aerial photograph.

Mr. Mace indicated the property is currently vacant and was previously used as a gravel overflow parking lot for the former Village Inn, which was destroyed by a fire. The petitioner's intent is to merge three lots, which he presently owns by Certified Survey Map (CSM) into one lot for commercial development. Mrs. Haukohl asked if a buffer or berm would be required between the new lot and the adjacent residential properties? Mr. Mace replied that he was unsure because a Site Plan has not been submitted for the future use. He indicated it would be addressed when the Site Plan/Plan of Operation is submitted and reviewed. Mrs. Gennrich suggested that wording be added to Condition No. 2 stating the CSM must be recorded with the Register of Deeds Office. Mr. Mace agreed.

*After discussion, Mrs. Willert moved, seconded by Mr. Kolb and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation" with a change to Condition No. 2, which shall now read:*

2. *A Certified Survey Map shall be prepared by a Registered Land Surveyor in the State of Wisconsin, combining all three tax key numbers/lots owned by Mr. Williams into one tax key number/lot, and submitted to the Town Plan Commission, the Town Board, and the County Planning and Zoning Division for review, approval and recordation prior to the zoning amendment becoming effective.*

*The approval of this request, will allow the petitioner a reasonable use of his land and meets the intent and purposes of all County Ordinances.*

- **SVZ-1590 (Don Belman Homes, Inc.) City of Waukesha, Section 31 (A-T Transition District to the R-3 Residential District)**

The item was withdrawn from the agenda.

- **CZ-1584 (Don Murn) Town of Genesee, Sections 25 and 36 (A-E Exclusive Agricultural Conservancy District to the A-1 Agricultural and C-1 Conservancy Districts)**

Mr. Mace presented the "Staff Report and Recommendation" dated October 6, 2005, and made a part of these Minutes. He pointed out the location of the property, on the south side of C.T.H. "X" between Point Drive and Holiday Road in the Town of Genesee on the aerial photograph.

Mr. Mace indicated the area of rezoning is approximately 14 acres of the total 84-acre site. The property was the subject of an amendment to the Waukesha County Development Plan (WCDP) earlier in 2005 to the Suburban II Density Residential category. The amendment was approved and a condition of that approval was that the project be developed as a residential cluster/conservation design. The original plan submitted at the time of the Land Use Plan amendment indicated there would be a single road with four cul-de-sacs, which represented a Conservation Design. There were issues with the Town of Genesee, which wanted a Yield Plan so they could decide the number of units to be allowed, rather than using the Ordinance formula. Mrs. Gennrich asked if there was access to the property from Holiday Road? Mr. Mace replied "Yes", and indicated there will also be access from Saylesville Road. The Planning and Zoning Division Staff's recommendation is to table the request because it does not comply with the conditions of approval of the 2005 amendment to the WCDP. The petitioner may request another amendment in 2006 and the rezone could be revisited.

Attorney Murn, petitioner, introduced himself and indicated when the original PUD plan was engineered, it was discovered there would be too many impervious surfaces and there were issues with stormwater runoff. He wanted to utilize rain gardens in the design but with the amount of lots proposed (19 to 21 lots) and impervious surfaces, it would not be possible. His intent was to protect Genesee Creek and the surrounding area and to preserve more open space. The new plan was redesigned for an 11-lot subdivision including his residence containing building envelopes, and the rain gardens would be engineered into the plan. His intent is to incorporate rain gardens into the plan. He indicated he was in no hurry with the development and was in agreement to table the matter so an amendment to the WCDP could be submitted in 2006 to incorporate the new plan. Mr. Goodchild said the new proposal would have less roads, half the number of lots and the building envelope locations would be identified which would disturb less land. Attorney Murn said the Town is also requiring that the issue of the floodplain be resolved. Mr. Mace said the Wisconsin Department of Natural Resources is visiting the site today with a member of the Planning and Zoning Staff.

*After discussion, Mrs. Haukohl moved, seconded by Mrs. Willert and carried unanimously to table the matter, in accordance with the “Staff Report and Recommendation”. In addition, the petitioner may request an amendment to the 2006 Waukesha County Development Plan and if it is approved the rezone could be revisited and re-evaluated.*

• **CU-1407 (David Robinson) Town of Oconomowoc, Section 14**

Mr. Mace presented the “Staff Report and Recommendation” dated October 6, 2005, and made a part of these Minutes. He pointed out the location of the property on the west side of Norwegian Road in the Town of Oconomowoc on the aerial photograph and stated the petitioner is requesting Conditional Use approval for a ten (10) lot single-family residential development as a Planned Unit Development (PUD) with common open space.

Mr. Mace indicated the property was the subject of an amendment to the Waukesha County Development Plan in 2005, which was approved with conditions. The Commission approved a rezone for the property on September 28, 2005. A condition of the rezone and Conditional Use is that there be no more than 10 lots on the south side of the property developed as a cluster design and the northern two thirds of the property be preserved in common open space. The Ordinance formula allows for up to 15 lots, however, the Town reduced the number of lots to 10. Mrs. Haukohl suggested that the wording “in common ownership” be added after the word “protected” in Condition No. 2. Mr. Mace agreed to modify the Staff Recommendation. He also noted that the Town’s Minutes were incorrect and incomplete for the Town’s Conditions No. 9 and 10. He was not able to verify with the Town the wording of the two conditions before the meeting. However, he will verify with the Town which may slightly change the wording in Conditions No. 8 and 10 of the County’s conditions (Note: After the meeting Mr. Mace verified the wording of the conditions with the Town. The County’s Condition No. 8 was determined to be correct and the revised Condition No. 10 is listed below).

*After discussion, Mr. Goodchild moved, seconded by Mr. Baade and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with a change to Conditions No. 2 and 10 which shall now read:*

- 2. No lot shall contain wetlands or environmental corridor. All areas zoned C-1 Conservancy and/or EC Environmental Corridor shall be preserved and protected in common open space to the greatest extent possible, recognizing limited development of walking/hiking trails, picnic areas and a gazebo.*
- 10. All regulations and requirements of the Waukesha County Shoreland and Floodland Protection Ordinance and the Waukesha County Zoning Code, shall be complied with. The maximum FAR on each lot shall not exceed 17 percent and a maximum building coverage (1<sup>st</sup> floor, 2<sup>nd</sup> floor and all accessory buildings) 10,000 square feet.*

*The approval of this request, will allow the petitioner a reasonable use of his land and promotes and meets the intent and purposes of all County Ordinances.*

• **SCU-1353 (Eagle's Preserve Subdivision/Mark Weiss) Town of Eagle, Section 26**

Mr. Mace presented the "Staff Memorandum" dated October 6, 2005, and made a part of these Minutes. He pointed out the location of the property as Lot 10 of the Eagle's Preserve Subdivision, Town of Eagle on the aerial photograph and stated the matter is being brought before the Waukesha County Park and Planning Commission for discussion of non-compliance with the Commission's action of July 21, 2005.

Ms. Moore indicated the Commission approved the Conditional Use subject to four conditions. Condition No. 4 states "A Restoration Plan detailing grades and vegetation for the buffer must be submitted to the Waukesha County Planning and Zoning Division by August 10, 2005, and all fill and stockpiled materials must be removed from the vegetative buffer area and the area restored in accordance with the approved plan by September 15, 2005." The property was inspected on September 28, 2005, and it has not been vegetated and spoil material has not been removed from the buffer area. The Planning and Zoning Division Staff is concerned that it is getting near the end of the planting/growing season and it may not be completed this year. She added that the Town of Eagle Building Inspector issued a "Stop Order" because of the grading issues and also because the petitioner did not submit a detailed Restoration Plan. She suggested extending the deadline in Condition No. 4 to October 15, 2005.

Mr. Weiss, petitioner, indicated he was out of town for the past two weeks. He explained, the reason the backfilling has not been finalized is because it was not stated at the July 21, 2005, Commission meeting for him to do so. He was told by the Environmental Health Division that an alternative septic site perk test was needed and his excavator did not want to backfill until it was completed. He indicated that it has been completed. Regarding the grade, he said that he was given approval for a walkout basement not for a partial basement. Ms. Moore disagreed and referred to Condition No. 3b from the July 21, 2005, Commission meeting decision letter which stated, "A partial exposure with a patio be allowed, as long as the surface area adjacent to the exposure be pitched towards the southeast for overland flow of the surface water." Mr. Weiss said he made an error in reading the elevations and did not understand the condition and four feet is being added on to the foundation (vertically) at the back of the residence. He pointed out on the photographs of the site the location of the addition to the foundation.

Vice Chairperson Gennrich asked the petitioner how the Commission could be sure the conditions will be met this time? Mr. Weiss replied that immediately after the foundation is set, backfilling can begin, the septic system will be installed and the vegetation will begin. Vice Chairperson Gennrich indicated the Commission could send the violation to the Waukesha County Corporation Counsel now, wait until the October 15, 2005, deadline or issue daily citations. Mr. Goodchild suggested giving the petitioner an extension of 30 days until October 15, 2005, but indicated that he did not want to see the matter before the Commission again. Mr. Weiss said the issue of needing an alternate septic site was not brought up at the prior meeting. Ms. Moore disagreed and referred to Condition No. 3c from the July 21, 2005, Commission meeting decision letter, which stated, "The Environmental Health Division must approve any proposed grading east of the residence in the alternate septic site location." In addition, she indicated the septic system must be installed by the October 15, 2005, deadline. The Commission agreed.

*After discussion, Mr. Goodchild moved, seconded by Mr. Kolb and carried unanimously to extend the deadline in Condition No. 4 from September 15, 2005 to October 15, 2005. In addition, the buffer area must be seeded and the septic system installed by October 15, 2005. If the October 15, 2005, deadline is not met, daily citations may be issued. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

• **2:00 p.m. SCU-1415 (U.S. Fish and Wildlife Service) Town of Ottawa, Sections 29 and 30**

Mr. Mace presented the "Staff Report and Recommendation" dated October 6, 2005, and made a part of these Minutes. He pointed out the location of the property, south and west of C.T.H. "ZC" in the Town of Ottawa and stated the petitioner is requesting Conditional Use approval for earth altering activities to restore wetlands, fill three small drainage ditches and create five shallow ponds to improve the habitat for plants and animals in the Ottawa Wildlife Refuge.

Vice Chairperson Gennrich excused herself from the meeting due to a conflict of interest on this matter. She indicated that she is a member of the Waukesha Land Conservancy (owner of the property) and would be able to answer questions regarding the matter.

Mr. Kitchen, from the U.S. Fish and Wildlife Service submitted a map of the project area. Mrs. Haukohl asked what type of limited hunting would be allowed? Mrs. Gennrich replied that deer hunting would be allowed with a permit based on the biologist deciding which species need management. Mr. Baade asked if it would include both gun and arrow? Mrs. Gennrich replied "Yes", and noted the Department of Natural Resource's policy considers two hunters per 35 acres a safe number.

Mrs. Willert asked the total number of acres of the area to be restored? Mr. Kitchen replied, "Approximately 13 acres". Mrs. Haukohl asked who would be in charge of any future maintenance? Mr. Kitchen replied that the Waukesha County Land Conservancy biologist has developed a long-range plan for the property, which includes keeping the grassland areas open for wildlife nesting areas.

*After discussion, Mrs. Willert moved, seconded by Mr. Baade and carried unanimously (Mrs. Gennrich did not vote due to a conflict of interest) for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

**ADJOURNMENT**

*With no further business to come before the Commission, Mrs. Willert moved, seconded by Mr. Goodchild to adjourn at 2:30 p.m.*

Respectfully submitted,

Pat Haukohl  
Secretary

PH:kb

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